

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

CAREY DEAN PHILLIPS, JR.,

Defendant.

8:16CR141

ORDER

Defendant Carey Dean Phillips, Jr. appeared before the court on July 19, 2018, on a Petition for Warrant or Summons for Offender Under Supervision [35]. Defendant was represented by Federal Public Defender David R. Stickman, and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Defendant waived his right to a probable cause hearing on the Petition [35] pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. Through counsel, Defendant declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is the Defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a danger to the community nor a flight risk, the court finds Defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before District Judge Rossiter.

I find that the Petition [35] alleges probable cause and that Defendant should be held to answer for a final dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on August 31, 2018, at 2:00 p.m. Defendant must be present in person.
2. Defendant Carey Dean Phillips, Jr. is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 19th day of July, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge